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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 09/12/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/438,431

Applicant(s)

CHARAS ET AL.

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Response to Amendment

1. The Amendment filed on 6/7/2003 has been entered and made of record.
2. Applicant's arguments filled on 6/7/2003 with respect claims 1-3 and 5-25 have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gossett Dalton, Jr. et al., U.S. Paten No. 6,426,955.

As per claims 1, 7, 15 and 21, Gossett Dalton, Jr. et al., disclose a system of selectively accessing a network, comprising the steps of:

- determining whether an end device has access to said network, capable of communicating with one or more access network terminating devices (see col. 5, lines 3-43 and col. 4, lines 43-60);
- confirming the availability of said one or more access network terminating devices, determining the access capability of each of said one or more access network terminating devices, said access capability comprising one or more predetermined factors (see col. 5, lines 3-43 and col. 12, lines 11-20);

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- comparing the determined access capability for each of said one or more access network terminating devices with a preferred access capability being associated with said end device (see col. 18, lines 39 to col. 19, line 10 and 17, line 61 to col. 64); and
- selecting at least one of said one or more access network terminating devices to provide an optimum connection to said network, wherein the access capability of said selected network terminating device is ranked highest according to said predetermined factors (see col. 11, lines 39-60 and see col. 5, lines 3-43).

Gossett Dalton, Jr. et al., is silent regarding: wherein said end device is coupled to an indirect interface utilizing (i.e. Bluetooth protocol).

Nonetheless, the utilization of indirect interface such Bluetooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system. Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Bluetooth protocol. In addition, a variety of conventional radio links may be utilized linking the end user and the terminating device. One particularly advantageous radio link is the Bluetooth radio link which offers the end user system variety of QOS services including security. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize Bluetooth protocols, because one of the advantages of using Bluetooth wireless communication is that it possesses a built-in security which is advantageous in voice applications as may be used utilized by the end user systems.

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In considering claims 2, 8 and 12 Gossett Dalton, Jr. et al., disclose a system further comprising the step of configuring said end device according to the access capability of the selected at least one of said one or more access network terminating devices (see col. 11, lines 39-60 and see col. 5, lines 3-43).

In considering claims 3, 9 and 10 Gossett Dalton, Jr. et al., disclose a system wherein said predetermined factors of said one or more access network terminating devices comprise cost of access, coverage area, bandwidth delay, priority level and Quality of Service (QoS)(see col. 11, lines 39-60 and see col. 5, lines 3-43)

In considering claims 5 and 11, Gossett Dalton, Jr. et al., disclose further comprising the steps of: polling said indirect interface to detect if one or more new access network terminating devices are available to said end device (see col. 5, lines 3-43 and col. 4, lines 43-60); determining an access capability for each of the one or more new access network terminating devices if detected (see col. 5, lines 3-43 and col. 4, lines 43-60); and comparing said access capability for each of the one or more detected new access network terminating devices with said preferred access capability of said end device to determine whether said detected new access network terminating devices can improve the current connection of said end device to said network (see col. 5, lines 3-43 and col. 4, lines 43-60 and col. 18, lines 39 to col. 19, line 10 and 17, line 61 to col. 64).

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In considering claim 6, Gossett Dalton, Jr. et al., disclose, further comprising the steps of:
selecting one of the one or more new access network terminating devices base on the
comparison (see col. 11, lines 39-60 and see col. 5, lines 3-43); and
configuring said end device according to the access capability of the selected one of the one or
more new access network terminating devices (see col. 11, lines 39-60 and see col. 5, lines 3-43).

In considering claim 13, Gossett Dalton, Jr. et al., disclose a system, wherein the end devices
comprises variety of devices obviously including a cellular telephone (see col. 6, line 64 to col. 7,
line 22).

In considering claim 17, Gossett Dalton, Jr. et al., disclose a system, wherein said access network
terminating devices provide a communication link with the Internet (see fig. 1, element 102).

In considering claim 18 Gossett Dalton, Jr. et al., disclose further comprising means for
communicating over a direct interface (see fig. 1, element 105).

In considering claims 19 and 20, Gossett Dalton, Jr. et al., disclose a system, wherein said end
device can communicate simultaneously over variety of interfaces which obviously may include
a cellular interface (see fig. 1).

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In considering claim 22 Gossett Dalton, Jr. et al., further comprising the step of continuing, after said connecting step, to identify access network terminating devices available to said end device (see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

In considering claim 23, Gossett Dalton, Jr. et al., further comprising the step of: determining if said access capability information associated with a newly identified access network terminating device provides a better match with said stored user preferred access capability information than said selected network terminating device (see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

In considering claim 24, Gossett Dalton, Jr. et al., further comprising the step of selectively changing said connection to said network, from said selected access network terminating device to said newly identified access network terminating device based on a result of said determining step(see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

In considering claim 25, Gossett Dalton, Jr. et al., discloses system, wherein the step of transferring further comprises the step of offering the end user a foreign agent (see col. 19, lines 10-52 and col. 20, line 35 to col. 21, line 66).

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5. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gossett Dalton, Jr. et al., U.S. Paten No. 6,426,955 as applied to claim 1.

As per claims 14 and 16, although Dalton, Jr. et al., discloses substantial features of the claimed invention as discussed above with respect to claim 1.

Gossett Dalton, Jr. et al., is silent regarding: utilizing of the well known protocol such as Blue tooth protocol.

Nonetheless, the utilization Blue tooth protocols would have been an obvious modification to Gossett Dalton, Jr. et al., system. Furthermore, Gossett Dalton, Jr. et al., discloses the end user system may be coupled to the terminating device utilizing variety of protocols obviously including Bluetooth. In addition, a variety of conventional radio links may be utilized the link between the end user and the terminating device. One particularly advantageous radio link is the Bluetooth radio link.. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize Bluetooth protocols, because one of the advantages of using Bluetooth wireless communication is that it possesses a built-in security which is advantageous in voice Applications as may used utilized the end user systems.

CONCLUSION

6. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 746-7238, (after final communications)

(703) 746-7239, (Official communications)

(703) 746-7240, (Non-Official/Draft).

As

09/7/2003


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